



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,118	07/15/2003	Hisashi Suekane	MPO-PT005	7860
3624 7590 09/12/2007 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER WORKU, NEGUSSIE	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 09/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/620,118	Applicant(s) SUEKANE ET AL.	
	Examiner Negussie Worku	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Attachment</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is a replay to application filed on Claims 07/15/07, in which claims 1-27 are pending, and claims 1,8, 10, 12, 13, 23-26 are independent and claims 2-7, 9, 11, 12, 14-21 and 27 are dependent.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 02/05/04 has been reviewed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. The claimed invention lacks patentable utility. Claims 12, having a process completed program step, but lacks utility, wherein "a program for causing a computer to

Art Unit: 2625

execute the procedures" should be replaced by "a computer-readable medium encoded with computer-executable instructions."

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueno et al (USP 5,479,206).

With respect to claim 1, Ueno et al. teaches a white balance processing apparatus (as shown fig 2) comprising: white balance processing means (processing means 14 of fig 2) for effecting white balance processing on a taken image based on a set white balance value (col.14, line 28-33); storage means (memory 22 of fig 2) for storing white balance values employed in said white balance processing of past taken images (col.14, line 29-33); and employed value setting means (display 40 of fig 2, for setting a white balance value, such as color, gray scale value) for setting a white balance value employed in the past, stored in the storage means (memory 32 of fig 2) as the white balance value for the taken image (col.13, line 25-31).

With respect to claim 2, Ueno et al. teaches the white balance processing apparatus (fig 2) further comprising: detected value setting means (parameter setting area 125 of fig 8) for detecting and setting a white balance value to be set for said white balance processing from the taken image, (col.14, line 45-50) wherein said storage means (memory 32 of fig 2) stores the white balance value set by said detected value setting means and employed in said white balance processing as a white balance value employed in the past (col.14, lines 50-55).

With respect to claim 3, Ueno et al. teaches the white balance processing apparatus (fig 2), further comprising: selection means (menu display means 126 of fig 8, for selection of value settings) for selecting said employed value setting means or said detected value setting means as means (125 of fig 3) for setting said white balance value (col.14, lines 43-49); and forced setting means (125 of fig 8) for, when said detected value setting means is selected by the selection means, (menu display 126 of fig 8) switching said detected value setting means to said employed value setting means only during a specifically designated period (col.14, lines 15-25).

With respect to claim 4, Ueno et al. teaches the white balance processing apparatus (fig 2), the white balance processing apparatus (fig 1) further comprising: register means (memory 22 of fig 1) for causing the white balance value employed in the white balance processing of the taken image displayed on a display means (126 of

Art Unit: 2625

fig 1) to be stored to said storage means (32 of fig 2, for storing white balance processing value, col.14, lines 29-35).

With respect to claim 5, Ueno et al. teaches the white balance processing apparatus (fig 2), further comprising: preset value storage means (memory 17c of fig 1, stores a value for processing a scanned image) for storing preset white balance values that are previously set white balance values (col.14, lines 29-35); correction means (menu display 126 of fig 8) for correcting said preset white balance values (col.14, lines 57-65); and corrected preset value setting means (mouse 37 of fig 8, for setting correction value) for setting said corrected preset white balance value for said white balance processing (col.14, lines 65-68); wherein said storage means (17c of fig 1) stores said corrected preset white balance value set and employed in said white balance processing as said white balance value employed in the past (col.14, lines 28-33).

With respect to claim 6, Ueno et al. teaches the white balance processing apparatus (fig 2), further comprising: retaining means (memory 32 of fig 2) for retaining a white balance value employed in the white balance processing at said white balance processing means (processor 18 of fig 1, col.13, lines 12-15); and register means (CPU 31 of fig 2) for registering the white balance value retained at the retaining means to said storage means (32 of fig 2, col.13, lines 10-15).

With respect to claim 7, Ueno et al. teaches the white balance processing

Art Unit: 2625

apparatus (fig 2), wherein said retaining means (memory 32 of fig 2) retains a plurality of white balance values employed in said white balance processing, and wherein said register means (CPU 31 of fig 2) selects a predetermined white balance value from said plurality of white balance values and registers it to said storage means (32 of fig 2, col.13, lines 10-15).

With respect to claim 8, Ueno et al. teaches the white balance processing apparatus (fig 2), white balance processing means (processor 18 of fig 2) for effecting white balance processing on a taken image based on a set white balance value (col.23, lines 10-15); and setting means (37 of fig 8) for setting, as the white balance value for said white balance processing, a white balance value read out from recorded taken image data, employed in white balance processing of that taken image (col.13, lines 29-33).

With respect to claim 9, Ueno et al. teaches the white balance processing apparatus (fig 2), further comprising: setting enabling means (various display screen 40 of fig 8) for enabling a setting of said white balance value only when there is a coincidence between presence/absence of flash emission for the taken image and presence/absence of flash emission for image taken at the time of acquiring the white balance value set for the white balance processing of said taken image (col.14, lines 42-50).

With respect to claim 10, Ueno et al. teaches the white balance processing

Art Unit: 2625

method (fig 2), comprising the steps of: storing a white balance value employed in white balance processing of past taken image (col.13, lines 22-30); and effecting white balance processing on a taken image by using the stored white balance value employed in the past as the white balance value for the taken image (col.13, lines 22-30).

With respect to claim 11, Ueno et al. teaches the white balance processing method (fig 2), wherein said stored white balance value employed in the past is a white balance value detected from a taken image processed in the past and is the white balance value employed in the white balance processing of the taken image, (col.13, lines 29-33).

With respect to claim 12, Ueno et al. teaches the white balance processing (fig 2), program for causing a computer (a program stored in host computer (30 of fig 1) to execute the procedures of: storing a white balance value employed in white balance processing of past taken image (the step of processing in the image processing means 18 is executed by program stored in computer 30 of fig 1); and effecting white balance processing on a taken image by using the stored white balance value employed in the past as the white balance value for the taken image (col.14, lines 28-34).

With respect to claim 13, Ueno et al. teaches the white balance processing (fig 2), apparatus comprising: white balance processing means (processor 18 of fig 1) for effecting white balance processing on an image to be taken (white or black color

Art Unit: 2625

processing is performed on the image taken by image read 12 of fig 1, col.12, lines 40-43); color histogram processing means (histogram window on the screen display unit 40 of fig 1, col.14, 50-55) for effecting histogram processing by color components in accordance with said image to be taken processed of white balance by the white balance processing means (processor 18 of fig 1); and display means (display unit 40 of fig 8) for displaying histograms by color components obtained by the color histogram processing means (col.14, lines 50-55).

With respect to claim 14, Ueno et al. teaches the white balance processing (fig 1), wherein said color histogram processing means (histogram window on the screen display unit 40 of fig 1, col.14, 50-55) effects histogram processing by color components by separating said image to be taken of an entire image frame and said image to be taken of a specific regional portion set within the image frame (histogram window on the screen display unit 40 of fig 1, col.14, 50-55).

With respect to claim 15, Ueno et al. teaches the white balance processing (fig 1), wherein said display means (window on the screen display unit 40 of fig 8) displays by color components the histogram (histogram window on the screen display unit 40 of fig 8) concerning said entire image frame and the histogram concerning the specific regional portion by said color histogram processing means so that they can be compared with each other (histogram window on the screen display unit 40 of fig 1, col.14, 50-55).

With respect to claim 16, Ueno et al. teaches the white balance processing (fig 2), further comprising: display control means (CPU 31 of fig 2) for effecting control to display said histograms by color components on said display means when a setting screen for setting white balance is displayed on said display means, (histogram window on the screen display unit 40 of fig 1, col.14, 50-55).

With respect to claim 17, Ueno et al. teaches the white balance processing (fig 2), wherein said display means (varies display screen 126 of fig 8) concurrently displays information concerning adjusting conditions of white balance of said white balance processing means (col.14, lines 45-55).

With respect to claim 18, Ueno et al. teaches the white balance processing (fig 2), wherein said information concerning the adjusting conditions of white balance comprises information indicating types of mode of white balance that can be selected (a parameters setting area 125 for adjusting of blank and white balance displayed in the setup area 120 of fig 13. col.17, lines 5-15).

With respect to claim 19, Ueno et al. teaches the white balance processing (fig 2), wherein said information concerning the adjusting conditions of white balance comprises information concerning ratio about a specific color component processed of

Art Unit: 2625

said histogram processing (col.14, lines 50-55).

With respect to claim 20, Ueno et al. teaches the white balance processing (fig 2), wherein said display means (display screen 40 of fig 8) in addition concurrently displays said image to be taken (col.13, lines 50-60).

With respect to claim 21, Ueno et al. teaches the white balance processing (fig 2), wherein said display means (40 of fig 1) additionally displays a white balance detecting region on said image to be taken. (Col. 3, lines 54-68).

With respect to claim 22, Ueno et al. teaches the white balance processing (fig 2), wherein said color histogram processing means effects histogram processing by three color components of RGB (col.14, lines 49-55).

With respect to claim 23, Ueno et al. teaches the white balance processing (fig 2), method comprising the steps of: effecting white balance processing on an image to be taken (image taken by image sensor is subject to image processing by image processor 18 of fig 1); effecting histogram processing by color components in accordance with said image to be taken processed of said white balance processing (col.14, lines 49-55); and displaying histograms (display window 40 of fig 8) by color components obtained by said histogram processing together with said image to be taken (col.14, lines 49-55).

With respect to claim 24, Ueno et al. teaches the white balance processing (fig 2), processing program for causing a computer to execute the procedures (host computer 30 of fig 1, having a program running the image processing system of fig 1-4) of: effecting white balance processing with respect to an image to be taken (a program in a host computer 30 of fig 1, effecting a white balance processing); effecting histogram processing by color components in accordance with said image to be taken processed of said white balance processing (col.14, line 49-55); and displaying histograms by color components obtained by said histogram processing together with said image to be taken (col.14, lines 50-53).

With respect to claim 25, Ueno et al. teaches a digital camera, (camera10 of fig 10) including a white balance processing apparatus, (18 of fig 2) the apparatus comprising: white balance processing means (18 of fig 1) for effecting white balance processing on an image to be taken (image taken by camera 10, inputted into processor 18 of fig 1); color histogram processing means (18 of fig 1) for effecting histogram processing by color components in accordance with said image to be taken processed of white balance by the white balance processing means (18 of fig 1); and display means (display screen 40 of fig 2) for displaying histograms by color components obtained by the color histogram processing means (col.14, lines 50-53).

With respect to claim 26, Ueno et al. a digital camera, (fig 2) including a white

Art Unit: 2625

balance processing apparatus, (18 of fig 1) the apparatus comprising: white balance processing means (processor 18 of fig 1, having a white or black or color balance processing capability) for effecting white balance processing on a taken image based on a set white balance value (as discussed in col.14, lines 13, lines 20-30); storage means (memory 17c of fig 2) for storing white balance values employed in said white balance processing of past taken images (col.14, lines 30-35); and employed value setting means (set up area 120 of fig 8, col.14, lines 45-55) for setting a white balance value employed in the past, stored in the storage means (17c of fig 8) as the white balance value for the taken image (col. 14, lines 50-55).

With respect to claim 27; Ueno et al. teaches the digital camera (cameras 10 of fig 1), wherein the white balance processing apparatus (as shown in fig 1 through 5) further comprises: setting enabling means (host computer 30, which includes CPU 31 for overall operation of the apparatus of fig 2, is supervised) for enabling a setting of said white balance value only when there is a coincidence between presence/absence of flash emission for the taken image and presence/absence of flash emission for image taken at the time of acquiring the white balance value set for the white balance processing of said taken image (host computer 30, which includes CPU 31 for overall operation of the apparatus of fig 2, is supervised, includes acquiring the white balance value set for the white balance processing of said taken image, col.13, lines 15-30).

Art Unit: 2625

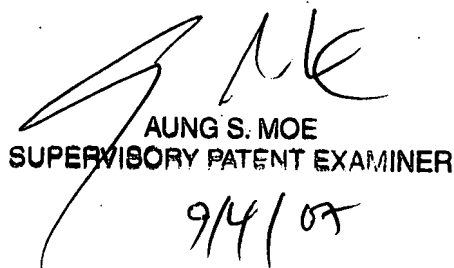
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NW
08/27/07



AUNG S. MOE
SUPERVISORY PATENT EXAMINER
9/4/07